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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,580	04/18/2005	Kouji Matsushima	1752-0171PUS1	4955

2292 7590 05/23/2007  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

MERTZ, PREMA MARIA

ART UNIT	PAPER NUMBER
1646	

1646

NOTIFICATION DATE	DELIVERY MODE
05/23/2007	ELECTRONIC

05/23/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

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**Commissioner for Patents**

See attached.

Prema M Mertz  
Primary Examiner  
Art Unit: 1646

Art Unit: 1646

1. The reply filed on 3/28/2007 is not fully responsive to the prior Office Action because: Newly submitted claims 24, 30-35 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Original claims 24-29 were drawn to a method of treatment with MIP-1 $\alpha$ . On 12/28/2006, Applicants received an office action based on these claims. In the response to the office action filed 3/28/2007, Applicants have amended claim 24 to claim a different method with different steps, materials and goals and added new claims 30-35 that are drawn to a method not previously examined.

Since Applicants have received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 24, 30-35 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Art Unit: 1646

***Advisory Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prema Mertz whose telephone number is (571) 272-0876. The examiner can normally be reached on Monday-Friday from 7:00AM to 3:30PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, can be reached on (571) 272-0835.

Official papers filed by fax should be directed to (571) 273-8300. Faxed draft or informal communications with the examiner should be directed to (571) 273-0876.

Information regarding the status of an application may be obtained from the Patent application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Prema Mertz Ph.D., J.D.

Primary Examiner

Art Unit 1646

April 12, 2007